

**Congress of the United States**  
**Washington, DC 20515**

October 3, 2003

**\$2 MILLION SETTLEMENT EXPOSES TOBACCO  
INDUSTRY'S  
FAILURE TO MANUFACTURE LIFE-SAVING  
"FIRE-SAFE" CIGARETTES**  
*Please Cosponsor the Fire-Safe Cigarette Act*

**SMOKING MATERIALS — PRIMARILY CIGARETTES — ARE THE NATION'S  
LEADING CAUSE OF FATAL FIRES.**

**SINCE 2000, THE TOBACCO INDUSTRY HAS HAD THE OPTION OF SELLING  
CIGARETTES THAT STOP BURNING IF LEFT ACCIDENTALLY ON A COUCH OR A BED.**

**THE LAUNCH OF THE "FIRE-SAFE" MERIT CIGARETTES HAS REMOVED ANY  
EXCUSE FOR INACTION.**

Dear Colleague:

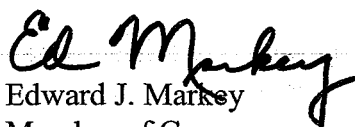
Yesterday the tobacco industry settled the case of Shannon Moore, who "was 21 months old and asleep in her car seat when her mother's parked Buick erupted in flames. She was burned over 77% of her body and had to have all her fingers amputated. She also lost her hearing from prolonged use of antibiotics to fight infections, and now, at age 13, has limited ability to speak...lawyers for the girl blamed the fire on the defective design of a Marlboro 100 cigarette, which like other brands is intentionally made to burn down to the filter even when not being puffed." (LA Times, Oct. 2, 2003)

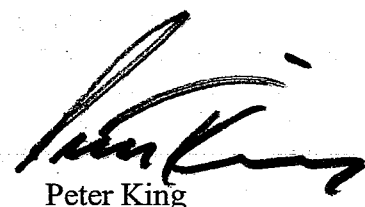
According to Shannon's Lawyer the "most crucial factor in the case" was the fact that **Philip Morris now has the technology to produce a cigarette that will not readily ignite if it accidentally falls on a chair, a rug, or a bed.**

Soon we will introduce the "**The Moakley Memorial Fire-Safe Cigarette Act of 2003.**" This bipartisan legislation will set reasonable ignition standards for cigarettes and help to prevent the 900 deaths, 2,400 injuries and over \$400 million in property damages caused by cigarette-ignited fires every year.

If you would like to cosponsor this bipartisan bill, please contact Kate Reinhalter with Rep. Markey at 5-2836 ([katharine.reinhalter@mail.house.gov](mailto:katharine.reinhalter@mail.house.gov)) or Kevin Fogarty with Rep. Peter King at 5-7896 ([kevin.fogarty@mail.house.gov](mailto:kevin.fogarty@mail.house.gov)). **The deadline to be an original co-sponsor is October 10, 2003.**

Sincerely,

  
Edward J. Markey  
Member of Congress

  
Peter King  
Member of Congress

# **A \$2-million accord in a fire case marks a break from Philip Morris' policy of not yielding on injury claims. More suits could result.**

By Myron Levin, Times Staff Writer

October 2, 2003, CLEBURNE, Texas - Breaking with long-standing practice, tobacco giant Philip Morris has paid \$2 million to settle the case of a child who suffered disfiguring burns in a fire allegedly caused by a smoldering cigarette.

The agreement represents a breakthrough for plaintiffs after more than 20 years of fruitless litigation over cigarette fires. It also marks the first time that Philip Morris, the top U.S. cigarette maker, has agreed to pay damages in a personal injury case of any kind...

The settlement, reached secretly in May, resolved a nearly nine-year legal battle over responsibility for injuries to Shannon Moore, who was 21 months old and asleep in her car seat when her mother's parked Buick erupted in flames. She was burned over 77% of her body and had to have all her fingers amputated. She also lost her hearing from prolonged use of antibiotics to fight infections, and now, at age 13, has limited ability to speak.

In the suit filed in state court here, lawyers for the girl blamed the fire on the defective design of a Marlboro 100 cigarette, which like other brands is intentionally made to burn down to the filter even when not being puffed. The lawsuit claimed that the child's mother, Shelly Moore, inadvertently allowed the cigarette to fall on the car seat, where it continued to smolder after she got out of the car...

Cigarette smoking is widely recognized as the leading cause of premature death in the U.S. - as a result of tobacco-related disease. Less well known is that smoking materials - primarily cigarettes - are also the nation's biggest cause of fatal fires. Although annual deaths from such fires have dipped from nearly 2,000 in the early 1980s to between 800 and 900 in recent years, smoldering cigarettes still account for about one-quarter of U.S. fire fatalities. These fires also cause about 2,000 injuries and hundreds of millions of dollars in property losses each year. The vast majority of the fires occur in houses or apartments, rather than cars.

Although cigarettes appear to be simply tobacco rolled in paper, they are in fact carefully engineered to look, taste and smell a certain way - and to go on burning when not being puffed. That spares smokers the nuisance of relighting - and boosts sales because more cigarettes end up being consumed. It also means that a cigarette rolling off the lip of an ashtray onto upholstery or a mattress can smolder undetected before bursting into flames.

Critics say that with only minor modifications, cigarettes could be less prone to start fires. They point out that unlike people who get sick from smoking, many fire victims share no responsibility for their injuries but just happened to be in the wrong place at the wrong time. Yet relatively few cigarette fire suits have been filed, and all failed until now. The companies claimed fire-safe cigarettes were not technically or commercially feasible, and plaintiffs were unable to prove the availability of a safer alternative design.

Philip Morris essentially removed that hurdle by launching a more fire-safe version of its Merit cigarettes in 2000. The new version featured ultra-thin rings of paper on the regular wrapper to act as firebreaks, or "speed bumps," producing a slower and cooler burn... According to Grisham, Shannon's lawyer, the Merit development "was absolutely the most crucial factor in the case."

The industry's success in the legislative arena has been even more striking. Throughout the 1980s and '90s, tobacco companies defeated numerous bills in Congress and state legislatures that would have required more fire-safe cigarettes. They succeeded by pouring millions of dollars into fire prevention projects, then calling on fire safety groups to support them in opposing the legislation. Their victory string was snapped three years ago in New York state, where a bill was passed requiring all cigarettes sold in the state to meet a minimum fire resistance standard.

However, state officials and the tobacco companies are still wrestling over a test to determine whether a brand meets the law's requirements. The industry, which could be forced to comply with the measure as early as next summer, could still challenge the law in court.

Grisham expressed hope that the Moore settlement would contribute to creation of a national fire safety standard. "I believe it's not a matter of if it's going to happen," he said, "it's a matter of when."